

1. (Currently amended) A method for removing mortar from a brick, comprising:  
providing a computer controlled automated system which includes the steps of:  
providing a first device for holding a brick;  
holding the brick with said first device, and in separate steps;  
cutting mortar from the rear of the brick;  
cutting mortar from opposing ends of the brick; and  
cutting mortar from the top and bottom of the brick.
2. (Original) The method according to claim 1, further comprising the step of determining the interface between the brick and mortar.
3. (Original) The method according to claim 1, further comprising the steps of providing a second device for determining the position of the brick and determining with said second device the position of the brick.
4. (Original) The method according to claim 3, wherein said second device is an imaging device.
5. (Original) The method according to claim 4, claim further comprising the step of imaging the front face of the brick.
6. (Original) The method according to claim 1, further comprising the steps of providing a first cutting device for cutting mortar from the rear of the brick, and cutting mortar from the rear of the brick with said first cutting device.
7. (Original) The method according to claim 6, further comprising the steps of providing a second cutting device for cutting mortar from the opposing ends of the brick, and cutting mortar from the opposing ends with said second cutting device.

8. (Original) The method according to claim 7, further comprising the steps of providing a third cutting device for cutting mortar from the top and bottom of the brick and cutting mortar from the top and bottom of the brick with said third cutting device.

9. (Original) The method according to claim 8, wherein said second cutting device is a first pair of saws.

10. (Original) The method according to claim 9, wherein said third cutting device is a second pair of saws.

11. (Original) The method according to claim 10, further comprising the steps of providing a first means for positioning said second cutting device for cutting mortar from opposing ends of the brick, and a second means for positioning said third cutting device for cutting mortar from the top and bottom of the brick.

12. (Original) The method according to claim 11, wherein said first and second positioning means moves said second cutting device in three dimensional space and said second positioning means moves said third cutting device in three dimensional space.

13. (Original) The method according to claim 12, further comprising the steps of providing an imaging device for determining the position of the brick and determining with said imaging device the position of the brick, and wherein said first positioning means, said second positioning means and said imaging device are disposed above the brick.

14. (Original) The method of claim 13, further comprising the steps of positioning said first and second cutting devices according to the position of the brick as determined by said imaging device.

Application No: 10/802,025

Our reference: 3195CIP

15. (Currently amended) The method according to claim 1, further including the step of providing at least one means for transporting the brick between said first, second and third cutting devices.

16 (Original) The method according to claim 1, further comprising the step of stacking bricks onto a pallet and wherein said first device is a clamping device.

17. (Currently amended) An automated brick recycling apparatus for removing mortar from a brick, comprising:

a first cutting device for cutting mortar from the rear of the brick;

a second cutting device for cutting mortar from an end of the brick;

a third cutting device for cutting mortar from a top of the brick;

an imaging device for determining the orientation of the brick;

at least one transport device for transporting the brick from said first cutting device to said second and third cutting devices; and

a computer, wherein ~~at least~~ said second cutting device, said third cutting device, said transport device, and said imaging device are automated and controlled by said computer and wherein the first cutting device is not controlled by said computer.

18. (Original) The brick recycling apparatus according to claim 17, further comprising a movable trailer wherein said trailer houses said automated brick recycling apparatus.

19. (Original) The brick recycling apparatus according to claim 17, wherein said first, second and third cutting devices are saws.

20. (Original) The brick recycling apparatus according to claim 18, wherein said second cutting device and said third cutting device are movable in three dimensions.

### **Remarks**

#### **Personal Interview**

The examiner is thanked for granting the personal interview with my colleague William F. Smith that was held on December 6, 2006. It is believed that the "Interview Summary" and the remarks below provide an adequate summary of the discussion that took place during the interview.

#### **Amendments**

Claims 1 and 17 have been amended to better distinguish the technology included in those claims from the brick cleaning method and apparatus described in the applied references. In addition, the dependency of claim 15 has been changed to provide antecedent support for the elements set forth in the claim. All amendments are fully supported by the original disclosure of this application.

#### **Discussion**

Claims 1-20 are pending in the application and claims 1-8, 15 and 17 stand rejected under 35 U.S.C. § 102(b) over GB 2 288 363 (Gerrard). Claims 9-14 and 19 stand rejected under 35 U.S.C. § 103(a) over Gerrard and U.S. Patent 3,087,483 (La Velle). Claims 16, 18 and 20 are rejected under 35 U.S.C. § 103(a) over Gerrard and U.S. Patent 4,557,246 (Seeley). For the following reasons it is believed that the rejections have been overcome.

For purposes of this discussion, the six faces of a brick will be referenced as follows. The front face is the face that is exposed when the brick is laid in a normal fashion in forming a structure. The front face has little or no cement or concrete on it. The face opposite the front face is called the rear face, while the faces that are on the top

and bottom of a brick when laid in a normal fashion are the top and bottom faces respectively. The two ends of a brick are opposing ends.

**1. Rejection under 35 U.S.C. § 102(b)**

Anticipation is an exacting standard. Under 35 U.S.C. § 102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim. *In re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). The above amendments are believed to distinguish claims 1 and 17 from the brick cleaning method and apparatus described by Gerrard for the following reasons.

**a. Separate argument for claim 1**

As set forth at page 8, first paragraph of Gerrard, die 2 simultaneously strips off mortar from all four elongate surfaces (front, rear, top and bottom faces) of the brick. This is in contrast to claim 1 as amended where mortar is cleaned from the rear surface and the top and bottom surfaces of the brick in separate steps.

Since Gerrard does not describe a method of cleaning bricks as set forth in amended claim 1, the reference does not anticipate the claim, and by extension, claims 2-8 and 15 which depend directly or indirectly therefrom.

Withdrawal of the rejection is courteously solicited.

**b. Separate argument for claim 17**

As illustrated in Figure 3 of Gerrard, the computer of that reference controls all of the brick cleaning stations, i.e., ram 40 pushes the brick through the die and end scraper 54. This is in contrast to claim 17 as amended where the computer does not control the first cutting device that removes mortar from the rear face of the brick. See, e.g., specification, page 10.

Application No: 10/802,025  
Our reference: 3195CIP

Since Gerrard does not describe an apparatus for cleaning bricks as set forth in amended claim 17, the reference does not anticipate the claim.

Withdrawal of the rejection is courteously solicited.

**2. Rejections under 35 U.S.C. § 103(a)**

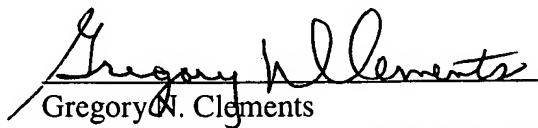
The premise of each of the rejections under this section of the statute is that Gerrard anticipates claims 1 and 17. As set forth above, claims 1 and 17 have been amended and it is believed that Gerrard is no longer an anticipatory reference. Thus, the present rejections under 35 U.S.C. § 103(a) are moot.

Withdrawal of the rejections is courteously solicited.

**Summary**

It is believed that all rejections have been overcome and the case is now in condition for allowance. If there are any remaining issues, the examiner is asked to contact the undersigned so that they may be resolved.

Respectfully submitted,

  
Gregory N. Clements  
Attorney for Applicant – Reg. No. 30,713  
Clements | Walker  
1901 Roxborough Road, Suite 300  
Charlotte, NC 28211  
Phone: 704-790-3600  
Fax: 704-366-0744